

## REMARKS

Claims 1-5 and 8-10 are pending in the above-identified application. Claims 1-5 and 8-10 were rejected. With this Amendment, claim 1 was amended. Accordingly, claims 1-5 and 8-10 are at issue in the above-identified application.

### Objection To Specification

The specification was objected to because the trademark MYLAR should be capitalized. Applicant has amended the specification capitalizing the trademark MYLAR. Withdrawal of this rejection is respectfully submitted.

### 35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 contains the trademark/trade name MYLAR. Claim 1 has been amended to overcome this rejection. Applicant respectfully traverses this rejection.

### §103 Rejections

Claims 1-4, 8, and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Tamura et al.* (US 2003/0108795) in view of *Hagg et al.* (WO 00/57507). Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Tamura et al.* in view of *Hagg et al.* further in view of *Kawakami et al.* (US 2003/0108795). Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Tamura et al.* in view of *Hagg et al.* Applicants respectfully traverse these rejections. Withdrawal of these rejections are respectfully submitted.

Claim 1 recites a non-aqueous electrolyte battery comprising a cathode including a cathode substrate and a cathode active material, *an anode including an anode substrate and,*

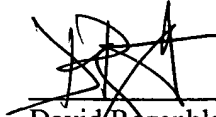
as an anode active material, one or more thin film layers containing a first metal that may be alloyed with lithium, said one or more thin film layers being formed by a thin film forming technique, said anode containing one or more of a second metal not alloyed with lithium, a third metal that may be alloyed with said second metal, a fourth metal not alloyed with said second metal, and a carbonaceous material capable of doping/undoping lithium ions, and a non-aqueous electrolyte containing an electrolyte salt, wherein the anode substrate is a high molecular weight polymer comprising one or more of a sulfur-containing resin, a nitrogen-containing resin, polyester, cellulose triacetate, and polycarbonate.

*Tamura et al.* discloses an electrode for a rechargeable lithium battery including a layer composed of a metal that does not alloy with lithium, a layer composed of a metal that alloys with lithium, and a mixed layer interposed between these layers and composed of the metal that does not alloy with lithium and the metal that alloys with lithium. *Tamura et al.* further discloses providing a thin film which does not react with lithium ions and permits the passage of lithium ions and has no ion conductivity for lithium ions on the layer or substrate composed of a metal that alloys with lithium. *Tamura et al.* further discloses an inter-layer that may be provided between the thin film and the layer or substrate composed of a metal that alloys with lithium between the thin film and the active material. However, *Tamura et al.* fails to teach or disclose an anode active material having a third metal that may be alloyed with a second metal that is not alloyed with lithium, and a fourth metal not alloyed with the second metal that is not alloyed with lithium. Furthermore, none of the above-cited references teach or disclose the combination of materials recited in claim 1 contained within the anode active material. As a result, Applicant respectfully withdrawal respect of this rejection.

In view of the foregoing, Applicant submits that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP



(Reg. No. 47,044)

David Rozenblat

SONNENSCHN NATH & ROSENTHAL LLP

P. O. Box 061080

Wacker Drive Station - Sears Tower

Chicago, Illinois 60606-1080

Customer No. 26263

SONNENSCHN NATH & ROSENTHAL LLP

P.O. Box #061080

Wacker Drive Station-Sears Tower

Chicago, Illinois 60606-1080

(312) 876-8000

I hereby certify that this document and any fee being referred to as attached or enclosed is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop After Final, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 29, 2005.

 8/29/05

Signature

Date